

ATTORNEY DOCKET NO: 85128-1202

CONFIRMATION NO 4852
APPLICANT Ashley Martin Williams et al
SERIAL NO: 10/573,571
FILED September 27, 2004
FOR Liquid Human Growth Hormone Formulation Containing
Polyethylene Glycol

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria VA 22313-1450

ATTENTION: Office of PCT Legal Administration

Dear Sir:


Renewed Petition under 37 CFR 1.47(a) and 37 CFR 1.137(b)

In response to the decision dated January 4, 2008, please find enclosed a renewed petition under 37 CFR 1.137(b) and 37 CFR 1.47(a), now including a signed declaration and statement of last known address missing from the original submission of this petition on December 4, 2007.

The commissioner is hereby authorized to charge \$70 to our Deposit Account No. 01-0310 to cover the outstanding amount needed to complete the fee of \$200 for the petition under 37 CFR 1.47(a), the other \$130 of this fee having been charged to our deposit account in the original submission of the petition on December 4, 2007.

A fee of \$120 for a one month extension of time is also being charged to our deposit account for this response to the January 4, 2008 decision.

Respectfully submitted
Ashley Martin Williams

PER: 
Michael R. Williams
Registration 45333

MRW/ks
Michael R. Williams
Winnipeg, Manitoba, Canada
Telephone (204) 947-00032 - FAX (204) 942-5723

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
85128-1202

First named inventor: Ashley Martin Williams

Application No.: 10/573,571

Art Unit:

Filed: September 27, 2004

Examiner:

Title: Liquid Human Growth Hormone Formulation Containing Polyethylene Glycol

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1540 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to Missing Parts (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ Signature	_____ Date
_____ Michael R. Williams	_____ 45333
_____ Typed or printed name	_____ Registration Number, if applicable
_____ 2157 Henderson Highway	_____ 204-944-0034
_____ Address	_____ Telephone Number
_____ Winnipeg Manitoba Canada R2G 1P9	
_____ Address	

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

DEC 3, 2007
Date

MICHAEL WILLIAMS
Signature
Typed or printed name of person signing certificate

Docket No.
85128-1201

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

LIQUID HUMAN GROWTH HORMONE FORMULATION CONTAINING POLYETHYLENE GLYCOL

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on September 27, 2004 as United States Application No. or PCT International Application Number 10/573,571

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☒

(Number)

(Country)

(Day/Month/Year Filed)

☒

(Number)

(Country)

(Day/Month/Year Filed)

☒

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/505,432

25 Sept 2003

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

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(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Michael R. Williams	45,333
Adrian D. Battison	31,726
Ryan W. Dupuis	47,345

Send Correspondence to: **ADE & COMPANY INC.**
2157 Henderson Highway
Winnipeg Manitoba
Canada R2G 1P9

Direct Telephone Calls to: *(name and telephone number)*
Michael R. Williams 204-944-0034

Full name of sole or first inventor Ashley Martin Williams	Date
Sole or first inventor's signature	
Residence Manitoba	
Citizenship CA	
Post Office Address 26 Henlow Bay, Winnipeg Manitoba Canada R3Y 1G4	

Full name of second inventor, if any Terrance Jimmy Sereda	Date
Second inventor's signature <i>T. Sereda</i>	07.09.19
Residence Manitoba	
Citizenship CA	
Post Office Address 26 Henlow Bay, Winnipeg Manitoba Canada R3Y 1G4	

Full name of third inventor, if any Deanna June Wiebe	
Third inventor's signature <i>Deanna Wiebe</i>	Date 070919
Residence Manitoba	
Citizenship CA	
Post Office Address 26 Henlow Bay, Winnipeg Manitoba Canada R3Y 1G4	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

CONFIRMATION NO 4852
APPLICANT Ashley Martin Williams et al
SERIAL NO: 10/573,571
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Mail Stop PCT
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P.O. Box 1450
Alexandria VA 22313-1450

ATTENTION: Office of PCT Legal Administration

Dear Sir:

Renewed Petition under 37 CFR 1.47(a)

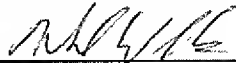
It is hereby requested that the above application be allowed to proceed without the signature of Ashley Martin Williams in view of the fact that the inventor Ashley Martin Williams has refused to sign the Declaration/Power of Attorney and Assignment.

The pertinent facts are as follows:

1. A letter including a copy of the application as filed and forms together with a request that the forms be signed was sent by registered mail by the undersigned Agent to Martin Ashley Williams' last known address, which is A-56 Lindenshore Dr., Winnipeg, Manitoba R3P 2N1, Canada.
2. A copy of the tracking notice for the registered letter is attached showing that the letter was delivered and a copy of the signature. However to date no signed forms have been returned to us by Ashley Martin Williams

\$70 is being charged to our Deposit Account to complete the \$200 petition fee, \$130 of this fee having previously been charged to our account on December 4, 2007.

Respectfully submitted
Ashley Martin Williams

PER: 

Michael R. Williams
Registration 45333

MRW/ks

Michael R. Williams Winnipeg, Manitoba, Canada
Telephone (204) 947-00032 - FAX (204) 942-5723

ADE & COMPANY INC.

PATENT AGENTS

ADRIAN D. BATTISON, B.Sc., F.P.T.I.C.
MICHAEL R. WILLIAMS, B.Sc., Ph.D.
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2157 HENDERSON HWY.
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Telephone (204) 947-1429
Facsimile (204) 942-5723
E-Mail: info@adeco.com
Web page: www.adeco.com

OUR FILE: 85128-1202

YOUR FILE:

October 1, 2007

Ashley Martin Williams
A-56 Lindenshore Dr.
Winnipeg MB
R3P 2N1

Dear Sir:

RE: U.S. and Canadian applications
Liquid Human Growth Hormone Formulation Containing Polyethylene Glycol

As you may be aware US and Canadian applications have been filed in the name of
Cangene Corporation entitled:

U.S. Serial No. 10/573,571- Liquid Human growth Hormone Formulation Containing
Polyethylene
Glycol

Canadian 2,540,172 - - Liquid Human growth Hormone Formulation Containing
Polyethylene
Glycol

listing yourself as an inventor. A copy of the PCT application as filed is enclosed herewith
for your reference. Please note that the Canadian and US applications are substantially
identical, but we have included a copy of the US amendment for your reference.

Also enclosed are the following forms:

1. A Declaration/Power of Attorney for USA authorizing us to act on your behalf and
also on behalf of the other inventors.

2. An Assignment of the rights to the invention in Canada and USA to Cangene Corporation.

We ask that you please execute the documents and return them to us as soon as possible. Should you have any questions or concerns regarding what you are signing, please do not hesitate to contact me directly.

Yours truly,

ADE & COMPANY INC.
PER:

DR. MICHAEL R. WILLIAMS
DIRECT LINE 944-0034 FAX NO. 942-5723
email williams@adeco.com
/dj



Date: 2007/11/30

Dear Sir or Madam:

Please find below the scanned delivery date and signature of the recipient of the item identified below:

Madame, Monsieur,

Vous trouverez ci-dessous la date de la livraison et la signature de la personne qui a accepté l'envoi sous mentionné:

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Product Name

Nom de produit

Registered Mail/Courrier recommandé

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Numéro de référence 1

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Numéro de référence 2

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Date de livraison (aaaa/mm/jj)

2007/10/04

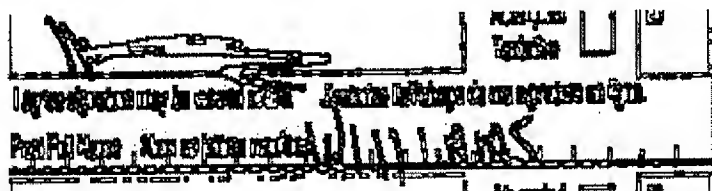
Signatory Name

Nom du signataire

WILLIAMS

Signature

Signature



Yours sincerely,

Salutations distinguées,

Customer Relationship Network
1-888-550-6333

(from outside of Canada 1 416 979-8822)

Réseau des relations avec la clientèle
1 888 550-6333

(de l'extérieur du Canada 1 416 979-8822)

This copy conforms to the delivery date and signature of the individual who accepted and signed for the item in question. This information has been extracted from the Canada Post data warehouse.

Cette copie est conforme à la date de livraison et à l'image de signature de la personne qui a accepté les envois susmentionnés. Ces informations ont été extraites de la banque de données de Postes Canada.

Docket No.
85128-1201

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

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☐ is attached hereto.

☒ was filed on September 27, 2004 as United States Application No. or PCT International Application Number 10/573,571

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Prior Foreign Application(s)

Priority Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☒

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(Country)

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25 Sept 2003

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(Filing Date)

(Status)
(patented, pending, abandoned)

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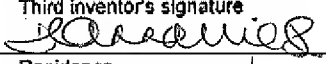
Michael R. Williams	45,333
Adrian D. Battison	31,726
Ryan W. Dupuis	47,345

Send Correspondence to: **ADE & COMPANY INC.**
2157 Henderson Highway
Winnipeg Manitoba
Canada R2G 1P9

Direct Telephone Calls to: *(name and telephone number)*
Michael R. Williams 204-944-0034

Full name of sole or first inventor Ashley Martin Williams	Date
Sole or first inventor's signature	
Residence Manitoba	
Citizenship CA	
Post Office Address 26 Henlow Bay, Winnipeg Manitoba Canada R3Y 1G4	

Full name of second inventor, if any Terrance Jimmy Sereda	Date
Second inventor's signature <i>T. Sereda</i>	07.09.19
Residence Manitoba	
Citizenship CA	
Post Office Address 26 Henlow Bay, Winnipeg Manitoba Canada R3Y 1G4	

Full name of third inventor, if any Deanna June Wiebe	
Third inventor's signature 	Date 07/09/19
Residence Manitoba	
Citizenship CA	
Post Office Address 26 Henlow Bay, Winnipeg Manitoba Canada R3Y 1G4	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	